IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 5426 of 2005

Between:

Perla Badraiah, S/o. Veeraiah,
R/o. Thogarrai Village,

Duggondi Mandal, Warangal District.

..... PETITIONER

AND

1. The District Collector, Warangal District.

2. Land Acquisition Officer,

Revenue Divisional Officer,
Narsampet Division, Warangal District.

3. Mandal Revenue Officer,

Duggondi Mandal, Warangal District.

4. Executive Engineer, RWS

(Rural Water Supply Scheme),

Warangal Division, Warangal District.

..RESPONDENTS

* * *

ORDER:

This writ petition has been filed by Perala Badraiah with a prayer to issue an order, direction or writ, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not paying compensation to him by the respondent pursuant to the agreement dated 01.11.2003 in respect of 0-22 guntas in survey No.213/2, situated at Mandapply village, Duggondi Mandal, Warangal District, which came to be acquired for the purpose of constructing a water storage tank, as illegal, arbitrary, unreasonable, unjust and contrary to the provisions of the Land Acquisition Act and the Rules made thereunder.

2. The petitioner claims that he is the owner of land admeasuring 0-22 guntas in survey No.213/2, situated at Mandapally village, Duggondi Mandal, Warangal District. The said land has been taken possession by the government for construction of a water storage tank. It appears that a draft notification and a draft publication have been effected in Gazette Notification No.Wgl/LA/41/04 dated 10-08-2004. Since the compensation has not been paid to the petitioner, he approached this court invoking jurisdiction under Article 226 of the Constitution of India and sought for the direction stated supra.

3. Respondents 1 to 3 filed counter-affidavit. It is stated in the counter-affidavit that proceedings have been initiated under Land Acquisition Act for acquiring the land and negotiations with regard to rate of compensation have not been fructified.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition appearing for the respondents.

5. Taking possession of the land of the petitioner by the government for construction of a water storage tank is not disputed. Indeed, notifications under Section 4 and

draft declaration have been published in the Gazette. The Executive Engineer, RWS Division, Warangal, addressed a letter to the District Collector, Warangal, indicating the consent of the petitioner for fixation of the market value at Rs.22,500/- per gunta. The letter reads as follows:

" With reference to the subject cited, I am herewith submitting the following remarks on the representation of Sri Peerala Bhadraiah, s/o Veeraiah, R/o Togarai. The said individual has agreed to sell his land this acquisition for an area of 22 guntas for the purpose of construction of water supply structure in the said land.

Accordingly, the proposals were initiated DN & D publication & the same was published in the Gazette No.Wgl/AL/41/04 dated 10/08/2004. The required amount for the Land Acquisition was remitted to Revenue Divisional Officer Narsampet, through the cheque No.403214 dt: 30.09.2004 for Rs.6.00 lakhs by this office. The Revenue Divisional Officer, Narsampet has fixed through the negotiation committee for the land owners to settle their claims. It is learnt through the reference 3rd cited the P.V. of this proposals was also approved.

Now the land owner Sri Peerla Bhadraiah has stated that an agreement was entered upon by the then Mandal Revenue Officer Duggondi for payment of compensation @ the rate of Rs.22,500/- per gunta. The total cost of 22 guntas of land was coming to Rs.4,95,000/-. The land looser is now requesting for compensation at the earliest.

In this connection, I submit that, the construction of balancing reservoir at Girinibai was in progress and the work was stopped from May, 2004 by the land looser for want of compensation. The intended date for completion of the work is 17-04-2005.

I, therefore, request the District Collector, Warangal, kindly to arrange for handing over the land at the earlier."

Since the possession of the land has already been taken by the government and proceedings have been initiated under the Land Acquisition Act, the Land Acquisition Officer is under obligation to complete the award enquiry within a reasonable time.

6. In that view of the matter, I deem it appropriate to dispose of the writ petition directing the Land Acquisition Officer-2nd respondent to complete award enquiry and pass award within three months from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is disposed of. No costs.

B.SESHASAYANA REDDY, J.

Date: 26th September 2005

BSB